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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/709,455 | 05/06/2004 | Michael B. Sellers | GEMS8081.205-1 | 3454 |
| 27061 | 7590 | 10/25/2005 | EXAMINER | |
| ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS) | | | SHRIVASTAV, BRIJ B | |
| 14135 NORTH CEDARBURG ROAD | | | ART UNIT | |
| MEQUON, WI 53097 | | | PAPER NUMBER | |
| | | | 2859 | |

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/709,455

Applicant(s)

SELLERS, MICHAEL B.

Examiner

Brij B. Shrivastav

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1 Claims 1-3, 7, 8, 10, 11, 17, 18, 22-25, 30 and 31 are rejected under 35 U.S. C 103(a) as being unpatentable over Ehman (US 5,592,085), and in view of Nichtnennung (DE 103 56 046 A1).

As regards to claims 1 and 18, Ehman teaches a medical imaging scanner system and method to scan an imaging subject within an imaging area, wherein the medical imaging scanner emits system noise when in operation, which is a byproduct associated with running the scanner (figure 1). However, Ehman does not teach an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area. Nichtnennung teaches an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area (see the abstract, provided with this Office action). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teaching of Nichtnennung with the teaching of Ehman to improve comfort level of the patient during imaging.

As regards to claim 24, Ehman teaches an MRI apparatus, including a plurality of gradient coils positioned about a bore of a polarizing magnet to impress a polarizing magnetic field, and an RF transreceiver system and an RF switch controlled by a pulse module to transmit RF signals to an RF coil assembly to acquire MR images (figure1; column 7-9). Ehman does not

teach an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area. Nichtnennung teaches an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area (see the abstract, provided with this Office action). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teaching of Nichtnennung with the teaching of Ehman to improve comfort level of the patient during imaging.

As regards to claims 2-3, 7, 8, 10, 11, 17, 22, 23, 25, 30 and 31, Ehman further teaches magnetic resonance imaging system. Ehman does not teach an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area. Nichtnennung teaches an emitter system constructed to emit an inaudible signal having properties to reduce perception of the system noise about at least a portion of the imaging area (see the abstract, provided with this Office action). It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt the teaching of Nichtnennung with the teaching of Ehman to improve comfort level of the patient during imaging.

2. Claims 4-6, 9, 12-16, 19-21 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehman (US 5,592,085) as applied to claims 1, 18 and 24 above, in view of Nichtnennung (DE 103 56 043 A1, and in further view of Friedlander (US 5,313,945).

As regards to claims 4-6, 9, 12-16, 19-21 and 26-29, Ehman in combination of Nichtnennung do not further teach an ultrasonic emitter system capable of columnular emission to cancel the system noise and create a noise free environment to the imaging subject.

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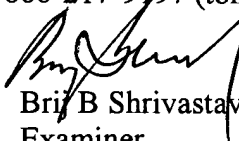
Friedlander teaches an ultrasonic emitter system capable of columnular emission to cancel the system noise and create a noise free environment to the imaging subject (figures 1 and 3; column 2-4, lines 60-68, 1-68 and 1-45). It would have been obvious to one of ordinary skill in the art at the time of invention was made, to adapt teaching of Friedlander with the teaching of Ehman and Nichtnennung improving comfort level of the patient and easy control access for unwanted noise cancellation.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brij B. Shrivastav whose telephone number is 571-272-2250. The examiner can normally be reached on 7 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 17, 2005


Brij B Shrivastav
Examiner
Art Unit 2859
